

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
  v.                    )     INDICTMENT NO. 05-10039-NG  
  )  
ARCENIO POCHE-CHACON                    )  
aka ANDRES DEL ROSARIO ALAYON        )

**DEFENDANT’S ASSENTED TO MOTION TO CONTINUE**  
**HEARING ON MOTION TO SUPPRESS**

Arcenio Poche-Chacon (the “Defendant”), in the above-numbered Indictment and through Counsel, moves this Court to continue the hearing on this matter currently scheduled for January 10, 2006.

In support of this motion the defendant’s counsel states that he is scheduled to commence a jury trial in the case of Commonwealth v. John Cheely in Ayer District Court on that date and will be unavailable to go forward on the defendant’s motion to suppress for that reason.

Respectfully submitted,  
ARCENIO POCHE-CHACON,  
By his Counsel:

‘/s/Walter H. Underhill, Esquire’  
WALTER H. UNDERHILL  
66 Long Wharf  
Boston, Massachusetts 02110  
(617) 523-5858

DATED: January 5, 2006

***SPEEDY TRIAL WAIVER***

The defendant agrees that the time from January 10, 2006 until the next scheduled

hearing date on the defendant's motions to suppress is excludable time under the Speedy Trial Act and hereby waives said period of time.

SIGNED: '/s/Walter H. Underhill, Esquire'  
WALTER H. UNDERHILL, ESQ.

RULE 7.1 CERTIFICATION

The parties have had an opportunity to confer on this motion and the motion is assented to by the attorney for the Government, Cynthia Lie, Esquire.

SIGNED: '/s/Walter H. Underhill, Esquire'

DATE: January 5, 2006